

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.19057 OF 1999.

DATED: 11-07-2006.

Between

1.Smt.K.Prabhavathi wife of late
K.Sudhakar Varma, aged 45 years,
House hold, r/o 24-40-3,Swamy
Street, Puttur,Chittoor district
And another

...Petitioners

And

1.The Government of India
rep. By its Finance Secretary
Ministry of Finance, Banking
Division,New Delhi and 2 others.

...Respondents

ORDER

This writ petition is filed seeking a Writ of Mandamus calling for the records relating to the issuance of the letter No.8299, dated 27-08-1997 from the file of the 3rd respondent and after perusing the same, declare the action of the respondents in not appointing the second petitioner on compassionate grounds as arbitrary, illegal and consequently direct the respondents to appoint the second petitioner on compassionate grounds in the State Bank of India in any suitable post w.e.f. 27-08-1997 i.e., the date on which

the 1st petitioner was intimated about the rejection of the request of the compassionate appointment of the second petitioner with all other consequential benefits.

The factual matrix is not at all in dispute. The stand taken by the bank is that since the disciplinary proceedings are pending from the date of death of the deceased and unless the Government gives permission, the bank cannot appoint any person on compassionate ground.

On the other hand, the learned counsel for the petitioners contended that as a matter of fact, the bank authorities recommended the case of the petitioners to appoint the 2nd petitioner on compassionate ground consequent to the death of his father and without assigning any reasons, the Government simply addressed a letter to the bank rejecting the claim of the petitioners. He also placed reliance on the judgment reported in **BALBIR KAUR AND ANOTHER V STEEL AUTHORITY OF INDIA LTD., AND OTHERS**^[1] wherein it was held that gratuity and death benefits cannot be taken into consideration for appointment on compassionate ground. There is no dispute about the law laid down, but at the same time, the Government of India-1st respondent has to take appropriate decision in accordance with law, if any, available as on the date of the death of the deceased and pass orders with reasons.

Therefore, without entering into the merits of the case, the writ petition is disposed of directing the 1st respondent to consider

the case of the petitioners in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

K.C.BHANU, J

Dated: 11-07-2006
Hsd

[\[1\]](#) (2000) 6 SCC 493